



OFFICE *of the* ATTORNEY GENERAL
GREG ABBOTT

January 30, 2003

Ms. Amanda Crawford
Assistant Attorney General
Public Information Coordinator
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2003-0644

Dear Ms. Crawford:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 175793.

The Office of the Attorney General (the "OAG") received a request for the following:

1. Communications regarding and contracts for legal services by outside counsel from 1/1/90 to the present date.
2. Payments for outside legal services from 1/1/90 to the present date.
3. Invoices from and payment for legal services by Andy Taylor, or any person working at his place of employment, from and after the time he left office at the OAG to the present date.

You state that most of the requested records, including all information responsive to item 3 of this request, will be released. You claim, however, that information responsive to item 1 of the request is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the sample documents.¹

¹We assume that the "sample" records submitted to this office are truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

You state that the information at issue was the subject of several previous rulings issued by this office. *See* Open Records Letter Nos. 02-1862 (2002), 99-3218 (1999), 99-2626 (1999), 99-2372 (1999), 99-2362 (1999), 99-2310 (1999). In those rulings, we concluded that the records at issue were excepted from disclosure under section 552.108 because they related to a criminal investigation being conducted by the Federal Bureau of Investigations (the "FBI"). You state that the FBI's investigation is still ongoing. Thus, based on your representation that the circumstances surrounding the issuance of those rulings have not changed, we conclude that the OAG may continue to withhold the information at issue under section 552.108. *See* Open Records Decision No. 673 (2001) (establishing criteria for previous determinations).

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

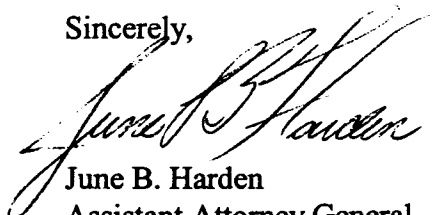
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/seg

Ref: ID# 175793

Enc: Submitted documents

c: Mr. Marc D. Murr
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5306 Irving Street
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(w/o enclosures)